



Sen. Michael W. Frerichs

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09500SB1587sam002

LRB095 11140 AMC 34477 a

1 AMENDMENT TO SENATE BILL 1587

2 AMENDMENT NO. _____. Amend Senate Bill 1587 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 16-163 and 16-165 as follows:

6 (40 ILCS 5/16-163) (from Ch. 108 1/2, par. 16-163)

7 Sec. 16-163. Board created. A board of 12 ~~11~~ members
8 constitutes the board of trustees authorized to carry out the
9 provisions of this Article and is responsible for the general
10 administration of the System. The board shall be known as the
11 Board of Trustees of the Teachers' Retirement System of the
12 State of Illinois. The board shall be composed of the
13 Superintendent of Education, ex officio, who shall be the
14 president of the board; 4 persons, not members of the System,
15 to be appointed by the Governor, who shall hold no elected
16 State office; 5 ~~4~~ persons who, at the time of their election,

1 are teachers as defined in Section 16-106, elected by the
2 contributing members; and 2 annuitant members elected by the
3 annuitants of the System, as provided in Section 16-165.

4 (Source: P.A. 94-423, eff. 8-2-05.)

5 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

6 Sec. 16-165. Board; elected members; vacancies.

7 (a) In each odd-numbered year, there shall be elected 2
8 teachers who shall hold office for a term of 4 years beginning
9 July 15 next following their election, in the manner provided
10 under this Section. An elected teacher member of the board who
11 ceases to be a teacher as defined in Section 16-106 may
12 continue to serve on the board for the remainder of the term to
13 which he or she was elected.

14 (a-5) The elected teacher member added by this amendatory
15 Act of the 95th General Assembly shall be filled as soon as
16 possible in the manner provided for vacancies, for an initial
17 term ending July 15, 2011. One additional elected teacher
18 trustee shall be elected in 2011, and in every fourth year
19 thereafter, for a term of 4 years beginning July 15 next
20 following his or her election.

21 (b) One elected annuitant trustee shall first be elected in
22 1987, and in every fourth year thereafter, for a term of 4
23 years beginning July 15 next following his or her election.

24 (c) The elected annuitant position created by this
25 amendatory Act of the 91st General Assembly shall be filled as

1 soon as possible in the manner provided for vacancies, for an
2 initial term ending July 15, 2001. One elected annuitant
3 trustee shall be elected in 2001, and in every fourth year
4 thereafter, for a term of 4 years beginning July 15 next
5 following his or her election.

6 (d) Elections shall be held on May 1, unless May 1 falls on
7 a Saturday or Sunday, in which event the election shall be
8 conducted on the following Monday. Candidates shall be
9 nominated by petitions in writing, signed by not less than 500
10 teachers or annuitants, as the case may be, with their
11 addresses shown opposite their names. The petitions shall be
12 filed with the board's Secretary not less than 90 nor more than
13 120 days prior to May 1. The Secretary shall determine their
14 validity not less than 75 days before the election.

15 (d-5) Beginning July 15, 2009, not more than 4 of the 5
16 active teachers elected to the Board of Trustees may be active
17 members of the same statewide teacher organization. For the
18 purposes of this Section, "statewide teacher organization"
19 means a teacher organization (1) in which membership is not
20 restricted to persons living or teaching within a limited
21 geographical area of this State and (2) that has among its
22 membership at least 10,000 persons who participate in this
23 System.

24 Candidates for the active teacher positions on the Board
25 shall indicate, in their nomination petitions and campaign
26 materials, which (if any) statewide teacher organizations they

1 have belonged to during the 5 years preceding the election.

2 (e) If, for either teacher or annuitant members, the number
3 of qualified nominees exceeds the number of available
4 positions, the system shall prepare an appropriate ballot with
5 the names of the candidates in alphabetical order and shall
6 mail one copy thereof, at least 10 days prior to the election
7 day, to each teacher or annuitant of this system as of the
8 latest date practicable, at the latest known address, together
9 with a return envelope addressed to the board and also a
10 smaller envelope marked "For Ballot Only", and a slip for
11 signature. Each voter, upon marking his ballot with a cross
12 mark in the square before the name of the person voted for,
13 shall place the ballot in the envelope marked "For Ballot
14 Only", seal the envelope, write on the slip provided therefor
15 his signature and address, enclose both the slip and sealed
16 envelope containing the marked ballot in the return envelope
17 addressed to the board, and mail it. Whether a person is
18 eligible to vote for the teacher nominees or the annuitant
19 nominees shall be determined from system payroll records as of
20 March 1.

21 Upon receipt of the return envelopes, the system shall open
22 them and set aside unopened the envelopes marked "For Ballot
23 Only". On election day ballots shall be publicly opened and
24 counted by the trustees or canvassers appointed therefor. Each
25 vote cast for a candidate represents one vote only. No ballot
26 arriving after 10 o'clock a.m. on election day shall be

1 counted.

2 (e-3) The 2 teacher candidates and the annuitant candidate
3 receiving the highest number of votes shall be declared
4 electd, except that beginning with the election in 2009, if
5 the teacher candidate who receives the highest number of votes
6 and the incumbent teacher members who are not up for election
7 belong to the same statewide teacher organization, then the
8 second teacher candidate to be declared elected shall be the
9 candidate not a member of that statewide teacher organization
10 who receives the highest number of votes, unless there is no
11 such candidate. The board shall declare the results of the
12 election, keep a record thereof, and notify the candidates of
13 the results thereof within 30 days after the election.

14 (e-6) If, for either class of members, there are only as
15 many qualified nominees as there are positions available, the
16 balloting as described in this Section shall not be conducted
17 for those nominees, and the board shall declare them duly
18 elected.

19 (f) A vacancy occurring in the elective membership of the
20 board shall be filled for the unexpired term by a person
21 qualified for the vacant position, selected by the remaining
22 elected members of the board, if there are no more than 6
23 months remaining on the term. For a term with more than 6
24 months remaining, the Director of the Teachers' Retirement
25 System of the State of Illinois shall institute an election in
26 accordance with this Act to fill the unexpired term.

1 (Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05;
2 revised 12-8-05.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".